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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,794	12/16/2005	Kimiyoshi Machii	029267.56376US	4519
23911 7590 06/20/2007 CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			EXAMINER MANCHO, RONNIE M	
			ART UNIT 3663	PAPER NUMBER
			MAIL DATE 06/20/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/536,794

Applicant(s)

MACHII ET AL.

Examiner

Ronnie Mancho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 16-25 is/are pending in the application.
- 4a) Of the above claim(s) 16, 23 and 24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-22 and 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/9/06; 5/27/05</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of Species A1 drawn to claims 17-22, 25 in the reply filed on 5/23/07 is acknowledged. The traversal is on the ground(s) that the claims satisfy the unity of invention requirement of PCT Rules 13.1 and 13.2, in that they relate to a group of inventions which are "so linked as to form a single general inventive concept. This is not found persuasive because the species lack the same or corresponding special technical features that when considered together as a whole define a contribution over the prior art (see PCT/ISA/210, and Endo et al). Additionally, applicant's claims are directed to multiple process species as evident by the election. Applicant is entitled under PCT rules (method or apparatus claims), not multiple methods. If claim 25 is truly generic then a rejoinder may be appropriate.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 16, 23, 24 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 5/23/07.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

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The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claim 17-22, 25 are rejected under 35 U.S.C. 102 (e) as being unpatentable over Endo et al (US 6873905).

Regarding claim 17, Endo et al (figs. 1, 27, 31, 32; abstract, col. 21, lines 39 to col. 22, line 40) disclose a route guidance method for providing route guidance by engaging an information terminal 102 (col. 3, lines 51-76) that transmits information indicating a start point and a destination to an information distribution center 107 (col. 4, lines 1-67) and the information distribution center that obtains through a search calculation route guide information for a route from the start point to the destination (col. 4, lines 41-67), splits results (figs. 27, 31 and 32, the results are split because the information is transmitted as packets of digital data, see IP protocol, etc; col. 14, lines 32-66; see streams, col. 14, line 65, 66) of the search calculation and transmits the search calculation results to the information terminal in installments when a predetermined condition exists, comprising in sequence:

(a) a step in which a user is informed of an estimated download time for downloading the search calculation results (fig. 32 step 1001-1003; col. 22, lines 11-40), determined based upon a physical quantity indicating a size of the search calculation results;

(b) a step in which the information terminal transmits to the information distribution center information indicating an instruction by the user that the information distribution center splits the search calculation results and transmits the search calculation results in installments (user pushes a button to request transmission of information, fig. 32, step 1001-1003; the information is transmitted as bits in digital packets also known as streams, col. 14, lines 52 to col. 15, line 4);

(c) a step in which upon receiving the information indicating the instruction by the user that the search calculation results be split and transmitted in installments, the information distribution center extracts search calculation results corresponding to an area near the start point from the search calculation results and transmits the extracted search calculation results (figs. 31, 32; col. 21, lines 44 to col. 22, line 40); and

(d) a step in which upon receiving the search calculation results corresponding to the area near the start point, the information terminal starts the route guidance (figs. 27, col. 17, lines 5-29; figs. 31, 32; col. 21, lines 44 to col. 22, line 40).

Regarding claim 18, Endo et al (figs. 1, 27, 31, 32; abstract, col. 21, lines 39 to col. 22, line 40) disclose the route guidance method according to claim 17, wherein:

the search calculation results include route information of the route from the start point to the destination and guide information used to indicate an advancing direction and the like at each guide point on the route (figs. 27, col. 17, lines 5-29; figs. 31, 32; col. 21, lines 44 to col. 22, line 40).

Regarding claim 19, Endo et al (figs. 1, 27, 31, 32; abstract, col. 21, lines 39 to col. 22, line 40) disclose the route guidance method according to claim 18, wherein:

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the search calculation results corresponding to the area near the start point include at least guide information for a block extending from the start point to a next guide point (figs. 27, col. 17, lines 5-29; figs. 31, 32; col. 21, lines 44 to col. 22, line 40).

Regarding claim 19, Endo et al (figs. 1, 27, 31, 32; abstract, col. 21, lines 39 to col. 22, line 40) disclose the route guidance method according to claim 17, wherein the physical quantity indicates a data size of the guide information or a number of guide points contained in the guide information (figs. 27, col. 17, lines 5-29; figs. 31, 32; col. 21, lines 44 to col. 22, line 40).

Regarding claim 21, Endo et al (figs. 1, 27, 31, 32; abstract, col. 21, lines 39 to col. 22, line 40) disclose the route guidance method according to claim 17, wherein after starting the route guidance, the information terminal transmits to the information distribution center a request for remaining guide information (figs. 27, col. 17, lines 5-29; figs. 31, 32; col. 21, lines 44 to col. 22, line 40).

Regarding claim 22, Endo et al (figs. 1, 27, 31, 32; abstract, col. 21, lines 39 to col. 22, line 40) disclose the route guidance method according to claim 21, wherein the information terminal transmits to the information distribution center a request that the remaining guide information be distributed in units each corresponding to a guide point (figs. 27, col. 17, lines 5-29; figs. 31, 32; col. 21, lines 44 to col. 22, line 40); and

each time the request is received, the information distribution center transmits guide information extracted in a unit corresponding to a guide point to the information terminal (figs. 27, col. 17, lines 5-29; figs. 31, 32; col. 21, lines 44 to col. 22, line 40)..

Regarding claim 25, Endo et al (figs. 1, 27, 31, 32; abstract, col. 21, lines 39 to col. 22, line 40) disclose a route guidance method for providing route guidance by exchanging

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information related to a recommended route from a start point to a destination between an information terminal and an information distribution center, comprising in sequence:

(a) a step in which the information terminal transmits information indicating the start point and the destination to the information distribution center (figs. 27, col. 17, lines 5-29; figs. 31, 32; col. 21, lines 44 to col. 22, line 40).;

(b) a step in which the information distribution center obtains route guide information for a route from the start point to the destination through a search calculation (figs. 27, col. 17, lines 5-29; figs. 31, 32; col. 21, lines 44 to col. 22, line 40).;

(c) a step in which the information distribution center transmits to the information terminal route information contained in results of the search calculation in a batch and transmits guide information contained in the results of the search calculation to the information terminal in installments by splitting the guide information (figs. 27, col. 17, lines 5-29; figs. 31, 32; col. 21, lines 44 to col. 22, line 40).; and

(d) a step in which the information terminal starts the route guidance upon receiving the route information included in the search calculation results and at least guide information for an area near the start point included in the search calculation results and transmitted in an installment (figs. 27, col. 17, lines 5-29; figs. 31, 32; col. 21, lines 44 to col. 22, line 40).

### ***Communication***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronnie Mancho whose telephone number is 571-272-6984. The examiner can normally be reached on Mon-Thurs: 9-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ronnie Mancho  
Examiner  
Art Unit 3663

6/10/07 -

  
JACK KEITH  
SUPERVISORY PATENT EXAMINER